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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,472	11/26/2001	Pekka Kostiainen	944-003.120	7231
4955	7590	11/01/2005	EXAMINER PHAN, HUY Q	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			ART UNIT 2687	PAPER NUMBER

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/994,472	Applicant(s) KOSTIAINEN, PEKKA	
	Examiner Huy Q. Phan	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: 12/10/2004.
Claims 1-16 are still pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7-9, 11, 12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lutche et al. (US-2003/0083110).

Regarding claim 1, Lutche et al. disclose a method of transferring data in a device comprising a device body (fig. 1, body 13 and see [0025]-[0026]) and a device accessory (fig. 1, cover 14 and see [0035]-[0038]) having a functionality (fig. 4 and see

[0035]-[0038]), wherein the data comprises a sequence of data segments, said method comprising the steps of:

conveying a ringing tone signal from the device body to the device accessory, wherein the ringing tone signal comprises a sequence of frequencies indicative of the sequence of data segments ([0028]-[0029]),

receiving the ringing tone signal by the device accessory ([0028]-[0029]),

retrieving in the device accessory the sequence of data segments from the received ringing tone signal based on the sequence of frequencies in the received ringing tone signal ([0028]-[0029]), and

using the retrieved sequence of data segments for effecting the functionality, wherein the functionality is effected in a pattern based on the retrieved sequence of data segments ([0028]-[0029]).

Regarding claim 2, Lutche et al. disclose the method of claim 1, further comprising the step of relating different frequencies or frequency ranges to different data segments prior to the conveying step [0028].

Regarding claim 3, Lutche et al. disclose the method of claim 2, further comprising the step of arranging the related frequencies according to the sequence of the data segments for providing at least one part of the ringing tone, prior to the conveying step [0028].

Regarding claim 7, Lutche et al. disclose the method of claim 1, wherein the device accessory comprises a device cover (fig. 1, cover 14 and see [0035]-[0038]).

Regarding claim 8, Lutche et al. disclose a system for transferring data in a device having a device body (fig. 1, body 13 and see [0025]-[0026]) and a device accessory (fig. 1, cover 14 and see [0035]-[0038]), wherein the device body is capable of providing a ringing tone signal comprising a sequence of frequencies [0028], and the device accessory has a functionality (fig. 4, cover 14 and see [0035]-[0038]) and an effecting mechanism to effect the functionality ([0028]-[0029]), and wherein the data comprises a sequence of data segments ([0028]-[0029]), the system comprising:

a first mechanism (fig. 4, terminals 31-32 and see [0038]-[0040]), disposed in the device accessory, for receiving the sequence of frequencies indicative of the sequence of data segments ([0028]-[0029]); and

a second mechanism (fig. 4, LED 27), disposed in the device accessory, adapted to retrieve the sequence of data segments from the received sequence of frequencies in the ringing tone signal ([0038]-[0040]), for allowing the effecting mechanism to effect the functionality of the device accessory in a pattern based on the retrieved sequence of data segments ([0028]-[0029]).

Regarding claim 9, Lutche et al. disclose the system of claim 8, wherein the device is a mobile phone (fig. 1, cellular phone 11; and see [0026]), the device body is a

phone body (fig. 1, body 13 and see [0025]-0026)) and the device accessory comprises a phone cover (fig. 4, cover 14 and see [0035]-[0038]).

Regarding claim 11, Lutche et al. disclose a mobile terminal (fig. 1, cellular phone 11; and see [0026]) having a phone body (fig. 1, body 13 and see [0025]-0026)) and a phone accessory (fig. 4, cover 14 and see [0035]-[0038]), wherein the phone body is capable of receiving an external signal from an external device [0028], and providing a ringing tone signal having a sequence of frequencies in response to the external signal [0028], and wherein the phone accessory has a functionality ([0035]-[0038]), which can be effected by a data having a sequence of data segments provided by the phone body ([0028]-[0029]), the mobile terminal comprises:

a first device (transducer power circuit 18), disposed in the phone body (fig. 1, body 13 and see [0025]-0026)), for conveying the ringing tone signal to the phone accessory ([0028]-[0029]), wherein the sequence of frequencies indicative of the sequence of data segments [0028]; and

a second device (fig. 4, LED 27), disposed in the phone accessory (fig. 4, cover 14 and see [0035]-[0038]), for receiving the ringing tone and retrieving the data sequence from the received ringing tone based on the sequence of frequencies in the received ringing tone so as to allow the phone accessory to effect the functionality in a manner based on the retrieved data segments ([0028]-[0029]).

Regarding claim 12, Lutche et al. disclose the mobile terminal of claim 11,

wherein the external signal is a call signal [0028].

Regarding claim 16, Lutche et al. disclose the mobile terminal of claim 11, wherein the phone accessory comprises a phone cover (fig. 4, cover 14 and see [0035]-[0038]) having the functionality ([0028]-[0029]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6, 10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutche et al. in view of Narinen et al. (US-2002/0115456).

Regarding claim 4, Lutche et al. disclose the method of claim 2 except wherein each data segment comprises two or more bits to form a bit pattern. However in analogous art, Narinen et al. teach each data segment comprises two or more bits to form a bit pattern [0053]. Since, Lutche et al. and Narinen et al. are related to the method for ring tones of cellular phone; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cellular phone of Lutche et al. as taught by Narinen et al. for purpose of "Accordingly, there is no need to provide identifiers for each characteristic. In another aspect, special instructions

(e.g., tempo changes and looping) for modifying ring tone data or other data are chained to a code word that contains the baseline (nominal) characteristics to maintain compatibility with telephones that do not recognize special instructions" (see Narinen et al.'s abstract).

Regarding claim 5, Lutche et al. and Narinen et al. disclose the method of claim 4. Narinen et al. further disclose wherein at least one of the frequency ranges is related to a repeating signal for indicating the repetition of a bit pattern [0053].

Regarding claims 6, 10 and 13, Lutche et al. disclose all the limitations of claims 1, 8 and 11 respectively, except wherein the functionality can be changed by a programming data having a further sequence of data segments and the sequence of frequencies is further indicative of the further sequence of data segments. However, Narinen et al. teach the functionality can be changed by a programming data having a further sequence of data segments and the sequence of frequencies is further indicative of the further sequence of data segments ([0048]-[0053]; also see [0001]-[0003]); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cellular phone of Lutche et al. as taught by Narinen et al. for purpose of "Accordingly, there is no need to provide identifiers for each characteristic. In another aspect, special instructions (e.g., tempo changes and looping) for modifying ring tone data or other data are chained to a code word that contains the

baseline (nominal) characteristics to maintain compatibility with telephones that do not recognize special instructions" (see Narinen et al.'s abstract).

Regarding claim 14, Lutche et al. and Narinen et al. disclose the mobile terminal of claim 13. Narinen et al. further disclose wherein the external signal is a short messaging service signal ([0030]-[0032]).

Regarding claim 15, Lutche et al. and Narinen et al. disclose the mobile terminal of claim 13. Narinen et al. further disclose wherein the external signal is a multimedia messaging service signal [0041].

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNY TRINH
PRIMARY EXAMINER

Examiner: Phan, Huy Q.

AU: 2687

Date: 2005